UNITED NATIONS

GENERAL ASSEMBLY

Distr.
GENERAL

A/CN.9/396
25 March 1994

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Twenty-seventh session
New York, 31 May - 17 June 1994

INTERNATIONAL COMMERCIAL ARBITRATION

Draft guidelines for preparatory conferences in arbitral proceedings

Report of the Secretary-General

1. The Commission, at its twenty-sixth session in 1993, considered a note by the Secretariat entitled "Guidelines for pre-hearing conferences in arbitral proceedings" (A/CN.9/378/Add.2).[1] The note was prepared as a result of a suggestion made at the UNCITRAL Congress on International Trade Law on the theme "Uniform commercial law in the twenty-first century", held in New York from 18 to 22 May 1992, in the context of the twenty-fifth session of the Commission.

2. The note, observing the useful application of the principle of discretion and flexibility in the conduct of arbitral proceedings, pointed out that in some circumstances that principle may make it difficult for the participants in an arbitration to prepare for the various stages of the arbitral proceedings. In addition, the note described how those difficulties could be avoided by holding at an early stage of arbitral proceedings a "pre-hearing conference" in order to discuss and plan the proceedings. Furthermore, the note suggested that the Commission should prepare guidelines for pre-hearing conferences and gave a tentative outline of topics that might be addressed in such guidelines.

3. The Commission requested the Secretariat to prepare a draft of such guidelines with a view to being considered and adopted at the Commission's twenty-seventh session in 1994 or twenty-eighth session in 1995.[2]

4. Addendum 1 to the present document contains the first draft of Guidelines for Preparatory Conferences in Arbitral Proceedings, prepared pursuant to the request by the Commission.

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[1] Report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session, Official Records of the General Assembly, Forty-eighth Session, Supplement No. 17 (A/48/17), paras. 291-296.

[2] Ibid., paras. 293 and 296.

V.94-21931